

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/23/09
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ISAAC McKAY,

Plaintiff,

-v-

N.Y. D.O.C.S. and CORRECTION OFFICER :
LAWRENCE, :

Defendants. :
-----X

08 Civ. 9303 (DLC)

ORDER OF DISMISSAL

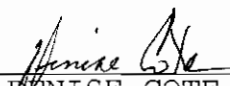
DENISE COTE, District Judge:

Plaintiff filed this action on October 30, 2008. On March 13, 2009, the Court sent an Order to the plaintiff indicating that more than 120 days had passed since filing the complaint, and ordering that the plaintiff indicate by April 13, 2009 why he had failed to serve within the 120-day period. The March 13 Order also stated that if the Court did not receive such communication, the Court would dismiss the case. As of April 22, 2009, plaintiff has not provided to the Court proof of service or requested a further extension of time in which to serve the defendants. Accordingly, it is

ORDERED that, pursuant to Rule 4(m), Fed.R.Civ.P., this action be and hereby is dismissed without prejudice.

SO ORDERED:

Dated: New York, New York
April 23, 2009



DENISE COTE
United States District Judge

COPIES SENT TO:

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